In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 1056 of 2007

Date of Decision: 23.01.2007

M/s. Sandhu Builders Pvt. Limited.

....Petitioner

Versus

National Building Construction Corporation Limited etc.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. P.S. Rana, Advocate
for the petitioner.

...

J.S. Khehar, J. (Oral).

According to the pleadings of the instant writ petition, as also, the submissions advanced during the course of hearing, it is the contention of the learned counsel for the petitioner, that the petitioner was assigned a contract for construction of the administrative block at GPW at Dina Nagar, by the National Building Construction Corporation Limited (hereinafter referred to as the Corporation). It is also the contention of the learned counsel for the petitioner, that consequent upon the construction effected by the petitioner, a sum of Rs.52,25,160/- was found to be payable to the petitioner, and as a consequence of the aforesaid determination, the

respondents deposited TDS @2.24% on the aforesaid amount, namely a sum of Rs.1,17,253/-, with the Income Tax Department. Learned counsel for the petitioner, in this behalf, has invited our attention to Annexure P-1, wherein, it has been asserted, that the sum of Rs.52,25,160/- has already been paid/credited to the petitioner. It is the vehement contention of the learned counsel for the petitioner, that the aforesaid amount has neither been paid nor credited to the petitioner.

Learned counsel for the petitioner states, that the petitioner has issued a legal notice dated 26.12.2006 (Annexure P-2), wherein, he claimed the same payment, namely, the sum of Rs.52,25,160/- from the Corporation, however, no decision has been taken thereon till date. Learned counsel for the petitioner states, that the petitioner will be satisfied, if the instant writ petition is disposed of with a direction to respondent No.1 i.e. the National Building Construction Corporation Limited, to take a final decision on the aforesaid legal notice dated 26.12.2006 (Annexure P-2).

In view of the limited and innocuous prayer made by the learned counsel for the petitioner, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate, to dispose of the instant writ petition, by directing respondent No.1 i.e. the National Building Construction Corporation Limited, to take a final decision on the claim of the petitioner raised through the legal notice dated 26.12.2006 (Annexure P-2) by passing a well reasoned speaking order thereon, within two months from the date of receipt of a certified copy of this order. In case, the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

23.01.2007
sk.